

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RICHARD WALLACE,

Petitioner,

-vs-

PAUL CHAPPIUS, Superintendent,

Respondent.

**No. 6:15-cv-06060 (MAT)
ORDER**

The pro se habeas Amended Petition (Dkt #7 (form § 2254 petition), #11 (completed signature pages)) of Richard Wallace ("Petitioner") is currently pending before this Court. Petitioner has filed a Motion For Leave to Proceed In Forma Pauperis (Dkt #8) and a Motion For Discovery (Dkt #5) seeking a copy of the transcripts concerning the evidentiary hearing held in this matter before Hon. Francis A. Affronti, Monroe County Supreme Court on June 9, 2014, under indictment number 2099/97. It is hereby

ORDERED that Petitioner's Motion For Leave to Proceed In Forma Pauperis (Dkt #8) is **granted** because Petitioner has sufficiently demonstrated his indigence. It is further

ORDERED that Respondent shall file and serve upon Petitioner and the Court an Answer and a Memorandum of Law in Opposition, addressing each of the issues raised in the Amended Petition and including citations to relevant legal authority. Respondent's Answer and Opposition Memorandum of Law are due **forty-five (45)** days from the date of entry of this Order. Petitioner shall

have **thirty (30)** days from his receipt of Respondent's Answer in which to file a Reply Memorandum of Law, should he elect to do so. It is further

ORDERED that, in conjunction with his Answer, Respondent shall file all of the pertinent State court records from Petitioner's State court criminal proceeding in accordance with Rule 4 of Rules Governing § 2254 Cases in the United States District Courts. Petitioner's Motion for Discovery is granted to the extent that Respondent is directed to ensure that transcripts concerning the evidentiary hearing held in this matter before Hon. Francis A. Affronti, Monroe County Supreme Court on June 9, 2014, under indictment number 2099/97, are included in the state court records.

IT IS SO ORDERED.

S/Michael A. Telesca

HON. MICHAEL A. TELESKA
United States District Judge

Dated: June 17, 2016
Rochester, New York.